

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**AVELINO SAMBADE, 151 AVENUE C  
DEVELOPMENT LLC, and DAL  
DEVELOPMENT LLC,**

**Plaintiffs,**

**v.**

**BARBERI CONSTUCTION LLC, ANTONIO  
BARBERI, PETER RINALDI, and JOHN  
DOES 1-10,**

**Defendants.**

Civ. No. 11-7589 (KM)

**ORDER**

IT APPEARING that the Hon. Michael A. Hammer, after multiple warnings and failures to respond or appear, listed this matter for dismissal based on failure to prosecute, *see* Fed. R. Civ. P. 41(b); and

IT FURTHER APPEARING that Judge Hammer filed a detailed Report and Recommendation that the matter be dismissed (DE 93);

IT FURTHER APPEARING that the deadline for objections to the Report and Recommendation was April 1, 2021, *see* 28 U.S.C. § 636, D.N.J. Local Civ. R. 7.1(c)(2), and that no such objection has been received; and

THE COURT HAVING REVIEWED Judge Hammer's thorough and cogently reasoned Report and Recommendation, and found no clear error of fact, abuse of discretion, or error of law;

IT IS this 25<sup>th</sup> day of May, 2021,

ORDERED that the Report and Recommendation (DE 93) is AFFIRMED and ADOPTED IN FULL; and it is further

ORDERED that all remaining claims in the case are DISMISSED WITH PREJUDICE.

The clerk shall close the file.

/s/ Kevin McNulty

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**HON. KEVIN MCNULTY, U.S.D.J.**